

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LARISA LEV-ARY,

Plaintiff,

v.

MANHATTAN FERTILITY SERVICES LLC,  
et al.,

Defendants.

23-CV-5504 (DEH)

**ORDER**

DALE E. HO, United States District Judge:

An order issued June 20, 2024, set a deadline of August 12, 2024, for all expert discovery. *See* ECF No. 58. That order stated that in light of the procedural history of this case, further extensions will not be granted absent a showing of compelling circumstances. *Id.* An order issued August 7, 2024, extended discovery through August 16, 2024, “for the limited purpose of completing [Defendant Advanced Fertility Services, P.C.’s (“AFS”) expert] Dr. Centola’s deposition.” *See* ECF No. 70.

On August 13, 2024, Defendant AFS filed a letter motion on behalf of both Defendants, stating that Plaintiff “refuses to cooperate in scheduling the depositions of her experts” and seeking an order compelling Plaintiff to produce two of her experts, Dr. Hong and Dr. Rayburn, for depositions. *See* ECF No. 71. On August 13, 2024, Plaintiff filed a letter in response, describing Defendants’ failure to schedule expert depositions. *See* ECF No. 73. On August 14, 2024, Defendant AFS filed a letter in response. *See* ECF No. 74. AFS’s letter does not meaningfully respond or rebut Plaintiff’s characterization of Defendants’ lack of diligence in scheduling depositions. *See id.* Finally, on August 14, 2024, the parties filed a joint letter regarding the witnesses’ availability. *See* ECF No. 75.

It is hereby **ORDERED** that expert discovery is **EXTENDED**, for the limited purpose of taking Dr. Hong and Dr. Rayburn's depositions, through **September 6, 2024**. The parties shall meet and confer regarding dates, agreeable to all counsel and the relevant witness, for each deposition. In light of the procedural history of this case, Defendants shall accommodate any dates proposed by Plaintiff, barring truly extraordinary circumstances that make them unable to appear on Plaintiff's proposed dates. Plaintiff's request to treat Defendants as having waived their right to depose Plaintiff's experts is **DENIED**, in light of the strong presumption in favor of hearing cases on the merits and the relatively modest further extension granted by this order.

It is further **ORDERED** that the conference scheduled for September 4, 2024, is **ADJOURNED to September 18, 2024, at 4:00 P.M. EST**. The parties shall join the conference by dialing (646) 453 – 4442 and entering the conference ID: 587 139 444, followed by the pound sign (#).

It is further **ORDERED** that the parties shall file a joint status letter regarding any dispositive motions a party plans to file and whether any party intends to file a motion for summary judgment by **August 22, 2024**.

The Clerk of Court is respectfully directed to close the motions at ECF Nos. 71, 74, and 75.

SO ORDERED.

Dated: August 15, 2024  
New York, New York

  
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DALE E. HO  
United States District Judge